

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

IN THE MATTER OF:)	
)	STANDING ORDER
SEALED DOCUMENTS)	
)	

Section XII(A) of the Administrative Policy Governing Electronic Filing and Service provides that “Parties must obtain leave of court to file a sealed document or a sealed motion.” It is well-established that the public has a common-law right of access to judicial records. Nixon v. Warner Communications, 435 U.S. 589, 597 (1978). This right of access is not absolute, but requires a weighing of competing interests. Id. The decision of the Court to file a document under seal is a matter left to the discretion of the Court. See Webster Groves School District v. Pulitzer Publishing Company, 898 F.2d 1271, 1376 (8th Cir. 1990). A Court deciding to seal a document must explain why sealing was necessary and why less restrictive alternatives were not appropriate. See In re Search Warrant for Secretarial Area Outside Office of Gunn, 855 F.2d 569, 574 (8th Cir. 1988).

The Court finds that there are distinct, routinely-filed documents in which a restriction of public access is necessitated by a compelling government interest. Effective October 1, 2011, the following documents must be filed under seal because public dissemination of such documents could endanger the lives or safety of law enforcement officers, United States Marshals, agents, defendants, witnesses, cooperating informants, judges, court employees, defense counsel, or prosecutors, and could jeopardize a continuing criminal investigation. The Court also finds that less restrictive alternatives are not appropriate. The Court finds that the following documents fall within the criteria set forth above and grants leave of Court to file the following documents under seal: (1) plea agreement supplements; (2) motions pursuant to Rule 35 of the Federal Rules of Criminal Procedure,

memorandums in support thereof, and responsive filings; (3) motions pursuant to Section 5K1.1 of the United States Sentencing Guidelines, memorandums in support thereof, and responsive filings; and (4) pen register or a trap and trace device applications pursuant to either 18 U.S.C. § 3121 et seq. or 18 U.S.C. § 2516 et seq. Such documents shall be filed under seal and shall remain sealed unless otherwise ordered by the Court.

IT IS SO ORDERED

Dated this 30th day of September, 2011

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court

/s/ Daniel L. Hovland
Daniel L. Hovland, Judge
United States District Court